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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/699,404

10/31/2003

Rick Pallante

NOR-1128

2114

37172

7590

04/16/2008

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EXAMINER

SELLMAN, CACHET I

ART UNIT

PAPER NUMBER

1792

NOTIFICATION DATE

DELIVERY MODE

04/16/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/699,404	<b>Applicant(s)</b> PALLANTE ET AL.	
	<b>Examiner</b> CACHET I. SELLMAN	<b>Art Unit</b> 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-19 and 23-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-19 and 23-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Acknowledgement is made of the amendment filed by the applicant on 1/21/2008, in which claims 10, and 20-22 were cancelled, claims 11-19, and 23 were amended.

Claims 10-19 and 23-32 are currently pending in U.S. Application Serial No. 10/699,404

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11-14, 16-17, 19, 23-25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bright in view of Bowers US 4537150).

Bright discloses a hot-melt adhesive arrangement and glue application system that has a controller (60) operating a melting unit (30) which comprises wirelessly receiving information on at least one system condition (height in tank, color of adhesive, temperature or viscosity) into the controller and using the received information during the operation of the melting unit (page 8, line 18-page 9, line 10).

Bright teaches operating a hot melt adhesive dispensing system (abstract) having a controller operating a melting unit (page 9, lines 3-6) which comprises receiving information from a (sensor) regarding the adhesive being dispensed, utilizing the information in the controller to set a system condition of the system and operating the system according to the condition (page 8, line 18 – page 9 line 10)

Bright does not teach receiving the information from a machine readable element as required by **claim 23**.

However, it was well known in the art at the time the invention was made to use barcodes for accurately inputting data into a computer system to reduce the human error involved in manually inputting data as shown with Bowers (US 4537150). Bowers discloses using barcodes to measure volumes of liquids to input information into a computer (see abstract and col. 1, line 64- col. 2, line 2). Bowers teaches that the barcode can be indicative have volume, temperature, vessel identification (col. 9, line 33-41). Bowers further states that the barcode can be placed on the vessel which is being monitored.

The information can be used to set an application temperature, an over temperature condition and establishing/verifying a setback temperature of the adhesive (page 9, lines 3-9) as required by **claims 11-13**. The information can be used to set a warning condition in the controller (page 8, lines 29- page 9, line 3) as required by **claim 14**. The information from the barcode can be color or viscosity, which identifies the adhesive (page 9, lines 1-10 and Bowers) as required by **claim 16**. The barcode can be used to monitor the height of the tank which will control the pump therefore determine the amount of adhesive in the unit (page 8, lines 18-26) as required by **claim 17**. The information is located on the container as taught by Bowers as required **claim 19**. The information is located on the hot melt adhesive as taught by Bowers as required by **claim 24**.

The information can be received electronically and optically as required by **claims 25 and 27.**

3. Claims 11, 16, 18-19, and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson Jr. in view of Bowers (US 4537150).

Jackson Jr. discloses a process for operating a hot melt adhesive system (abstract) having a controller operating a melting unit (heater) (col. 3, lines 9-13). Jackson Jr. discloses the use of a controller to control the temperature of the hot melt adhesive by manually inputting the information (col. 3, line 66 – col. 4, line 15).

Jackson Jr. does not teach wirelessly receiving information on at least one system condition into the controller from a machine readable element, and using information during the operation of the melting unit as required by **claim 23.**

However, it was well known in the art at the time the invention was made to use barcodes for inputting data into a computer system to reduce the human error involved in manually inputting data as shown with Bowers (US 4537150). Bowers discloses using barcodes to measure volumes of liquids to input information into a computer (see abstract and col. 1, line 64- col. 2, line 2). Bowers teaches that the barcode can be indicative have volume, temperature, vessel identification (col. 9, line 33-41). Bowers further states that the barcode can be placed on the vessel which is being monitored.

it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the process of Jackson Jr. to include the barcode of Bowers in order to prevent human error with manually inputting the process parameters. The information is used to set a temperature of the adhesive rather than manually inputting the set point temperature as shown in (col. 3, line 60 - col. 4, line 15) as required by **claim 11**. The information received can identify the type of adhesive as required by **claim 16**. The information is logged into a database (see Bowers) as required by **claim 18**. The barcode is located on the container holding the adhesive (Bowers) as required by **claim 19**.

As shown by Bowers the information is received from the container holding the adhesive as required by **claim 24**. The information is received using a scanner (see Bowers col. 4, line 29-30) therefore the information is optically received as required by **claim 25**.

4. Claims 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson Jr. in view of Bowers as applied to 23 above in further view of Droz (US 7012530)

The teachings of Jackson Jr. in view of Bowers. as applied to claim 23 are stated above.

Jackson Jr. and Bowers fail to teach receiving the information from an electronic chip as required by **claim 29**.

Droz teaches an electronic label which is used to read information that identifies an object. Droz teaches that labels with electronic chips are replacing labels with bar

codes in automatic manufacturing cycles and it allows identification of the object (col. 1, lines 32-40). Droz teaches that the info is read through a radio signal and can be read from a scanner.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the process of Jackson Jr in view of Bowers to include the use of a label having an electronic chip as taught by Droz. One would have been motivated to do so because both teach reading information from a label and Droz further teaches how bar codes are replaced with electronic chips because of the accuracy and ability to identify and object in an automated manufacturing environment.

As stated above the information is read through an antenna (radio signal) as required by **claim 28**.

As stated in paragraph 6 above, it is obvious to place the label on the container of the adhesive as required by **claim 30**. The electronic chip can be read using a scanner as required by **claim 31**. As taught by Droz, in an automatic system the electronic chip is read once the object is in a proximity of the system as required by **claim 32**.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CACHET I. SELLMAN whose telephone number is (571)272-0691. The examiner can normally be reached on Monday through Friday, 7:00 - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1792

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Cachet I Sellman  
Examiner  
Art Unit 1792

/C. I. S./  
Examiner, Art Unit 1792

/William Phillip Fletcher III/  
for Timothy H. Meeks, SPE of Art Unit 1792/1700